

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
OCT 19 2000
ADMINISTRATIVE HEARING
COMMISSION

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS
P.O. BOX
3065 Missouri Blvd.
Jefferson City, MO 65102

Petitioner,

v.

Case No. 00-0635-HA

ANITA LOUISON
8509 Wornall Rd.
Kansas City, MO 64130

Respondent.

JOINT STIPULATION OF FACTS, WAIVER OF HEARING BEFORE THE
ADMINISTRATIVE HEARING COMMISSION AND STATE BOARD OF
REGISTRATION FOR THE HEALING ARTS AND CONSENT ORDER
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo Supp. 1999, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Board of Registration for the Healing Arts ("Board") pursuant to § 621.110, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against Respondent's physician assistant license.

Respondent acknowledges that she has received and reviewed a copy of the Complaint filed by the Board in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that she is aware of the various rights and privileges afforded her by law. Being aware of the rights provided by operation of law, Respondent, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and Missouri State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") and agrees to abide by the terms of this document as they pertain to Respondent.

FINDINGS OF FACT

Respondent neither admits nor denies the allegations contained herein. However, the Petitioner and the Respondent jointly stipulate that Petitioner has evidence which could be sufficient to establish the following:

1. The State Board of Registration for the Healing Arts ("Board") is an agency of the State of Missouri created and established pursuant to § 334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. Anita Louison, P.A., is licensed by the Board as a physician assistant license number DA 102438, which was first issued in December 22, 1992.

Respondent's license is current and was current and active at all times mentioned herein.

3. Respondent was employed by Swope Parkway Health Center at all times relevant herein.

4. On or around January 27, 1995, Respondent called in a prescription for Isoniazid ("INH") and B6 for patient J. S. INH is a legend drug.

5. Respondent failed to consult a physician before prescribing INH to J.S..

6. Respondent was aware that J.S. suffered from Tuberculosis.

7. Respondent failed to order J.S. a blood test before prescribing him INH.

8. Respondent failed to examine J.S. before prescribing him INH.

9. Respondent failed to ask for information about the medical condition of J.S. before prescribing him INH.

10. Respondent violated the professional duty she owed her patient in that she failed to refer J.S. to a physician and authorized a prescription for INH without first consulting with a physician.

11. Respondent's conduct was harmful and dangerous to the physical health of J.S..

JOINT CONCLUSIONS OF LAW

12. If proven, the alleged conduct of Respondent as set forth in paragraphs 1 to 11 would violate Sec. 334.735(7)(b), RSMo 1994, which states in pertinent part:

Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy independent of consultation with the supervising physician.

13. If proven, the alleged conduct as set forth in paragraphs 1 to 11 would be cause to discipline Respondent's license pursuant to Sec. 334.100.2. (4) (h), (5), and (6) RSMo 1994, which provide in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(4) Misconduct...or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination...except as authorized in section 334.104.

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient...

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter.

II.

JOINT AGREED DISCIPLINARY ORDER

14. Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and based upon the parties mutual desire to fully and finally resolve this matter without resort to formal disciplinary proceedings, the parties agree that the following shall constitute the disciplinary order entered by the State Board of Registration for the Healing Arts in this matter under the authority of Section 621.110, RSMo 1994:

A. Effective the date the Administrative Hearing Commission issues its Order, the physician assistant license, No. DA 102438, issued to Respondent is hereby PUBLICLY REPRIMANDED.

15. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

16. Respondent, together with his heirs, assigns, agents, employees, and representatives, and his attorneys, does hereby waive, release, acquit and forever discharges the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo 1994, or any claim arising under 42 U.S.C. 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Joint Stipulation, or from the negotiation or execution of this

Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this Joint Stipulation in that it survives in perpetuity even in the event that any court of law deems this Joint Stipulation or any portion thereof void or unenforceable.

17. The parties to this Joint Stipulation understand that the State Board of Registration for the Healing Arts will maintain this Order as an open record of the Board as provided in Chapters 334, 610, and 620, RSMo.

RESPONDENT

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS

Anita Louison 10/5/00
Anita Louison Date

Tina Steinman 10/11/00
Tina Steinman Date
Executive Director

Charles H. Stitt 10/5/00
Charles H. Stitt Date
Attorney at Law
Missouri Bar No. 30390

Bernabe A. Icaza 10/19/00
Bernabe A. Icaza Date
Assistant Attorney General
Missouri Bar No. 51282

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Attorneys for Respondent

Attorneys for Petitioner

Before the
Administrative Hearing Commission
State of Missouri



STATE BOARD OF REGISTRATION FOR THE)
HEALING ARTS,)

Petitioner,)

vs.)

No. 00-0635 HA

ANITA LOUISON,)

Respondent.)

CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 1999, gives us jurisdiction.

On October 19, 2000, the parties filed a "Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under section 334.100.2(4)(h), (5) and (6), RSMo 1994 (RSMo Supp. 1999). We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order under Regulation 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under section 621.110, RSMo 1994.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3. This is consistent with the holding that we have no role in superintending agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied.

SO ORDERED on October 25, 2000.

SHARON M. BUSCH
Commissioner